

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

October 13, 2011

Vice Chairman B. Turnquist called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: S. Warmington, B. Turnquist, J. Doyle, B. Smith, B. Mazade, L. Spataro

MEMBERS ABSENT: Excused: T. Michalski, B. Larson, W. Parker

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: L. Bergman, 82 West Dale Ave.

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of September 15, 2011 be approved, was made S. Warmington, supported by B. Mazade and unanimously approved.

PUBLIC HEARINGS

L. Spataro arrived at 4:07 p.m.

Hearing; Case 2011-16: Request for a Special Land Use Permit, per section 2203 of Article XXII of the Zoning Ordinance, to allow an expansion of a non-conforming structure, not exceeding 30% of the total floor area of the existing building in an R-1, Single Family Residential District at 82 West Dale Avenue, by Andy Bergman. M. Franzak presented the staff report. The property at 82 W. Dale is legally non-conforming due to side setbacks and total lot size. Side setbacks for R-1 districts must be at least 6 feet. The side setback on the east side of this lot is only about 18 inches. In addition, the total lot size of the parcel is 5,974 square feet, which is just short of the 6000-square-foot minimum lot size requirement. Section 2203 (Non-conforming structures) of the zoning ordinance states that non-conforming structures may be changed to an extent not exceeding thirty percent (30%) of the total floor area of the existing building. The total floor area of the existing primary building is 2216 square feet, so the applicant is allowed to request an addition of up to 665 square feet. The proposed additions total 188 square feet and would be used as additional living space and a deck. Notice was sent to properties within a 300 foot radius of this parcel. T. Harryman contacted staff to say that he is opposed to the request due to excessive storage on the property. The 1997 Master Plan Future Land Use Map identifies the property as "residential". Based on compliance with the 1997 Master Plan, staff recommends approval of the request.

B. Turnquist remarked that there did appear to be a lot of material stored on the property. S. Warmington asked what it was for. M. Franzak stated that he believed it was related to a home-based business. L. Bergman stated that they did have a home-based business there and complied with all regulations. She stated that the addition would expand the kitchen area, which was quite

small. They planned to add the deck in the spring. The addition and deck would not be used as part of the business.

A motion to close the public hearing was made by B. Mazade, supported by L. Spataro and unanimously approved.

A motion that the Special Land Use Permit, per section 2203 (#1) of Article XXII of the Zoning Ordinance, to allow an expansion of a non-conforming structure not exceeding 30% at 82 West Dale Avenue, by Andy Bergman, be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in Section 2203 of the City of Muskegon Zoning Ordinance with the conditions that 1) The owner shall permit the zoning administrator or other zoning staff in the premises at reasonable times to review compliance with this permit, and 2) The special land use permit shall become null and void within one year of the public hearing if the structure has not been constructed, was made by L. Spataro, supported by S. Warmington and unanimously approved.

OLD BUSINESS

None

OTHER

Zoning Ordinance Amendments – M. Franzak stated that he was working on some amendments to the Zoning Ordinance to make it more business-friendly.

185 W. Laketon Ave – M. Franzak stated that he sent a letter to this property owner because they were in violation of the conditions of their Special Use Permit.

S. Warmington stated that he would have a case on next month's agenda, and he would ask that B. Mazade be excused from voting.

There being no further business, the meeting was adjourned at 4:16 p.m.